

1 BY MS. ELLINGTON:

2 Q I asked you if you were confused by any other  
3 question at the time you signed the Form 314, and I think  
4 you said the other question.

5 Which question were you referring to?

6 A Those two questions; the one that I just read to  
7 you.

8 Q Oh. Thirteen?

9 A 13(a).

10 Q So that's the only question you were confused by,  
11 13(a)?

12 A Yes, I think, because I don't recall anymore right  
13 now.

14 Q Okay. So you were confused by question 13(a), and  
15 it has language in it referring to interest of aliens and  
16 foreign governments. But you didn't seek to find out or to  
17 clarify this question in your mind before you signed the  
18 form?

19 A No, ma'am.

20 Q Do you understand at the time, Mr. Loredo, that  
21 this was an important government document, Form 314?

22 A I -- I understood, but I wasn't totally aware of  
23 just how important. I just did not realize it at that time.

24 Q Were you aware at that time that you needed to  
25 respond as accurately as possible to the questions?

1           A     I felt I did.

2           Q     I would like to direct your attention to page 9 of  
3     Mass Media Bureau Exhibit 1, and it says page 2 at the top.

4                     Do you have that page in front of you?

5           A     Um-hmm.

6           Q     It has your signature on it?

7           A     You say page what?

8           Q     Page 9. At the very top of it it says "Section 6,  
9     Certification." And it has some boxes on it.

10                    JUDGE SIPPEL: Yes, the page numbers are at the  
11     bottom, and it is -- it is page 9. Both numbers are -- show  
12     it to be page 9.

13                    THE WITNESS: Okay.

14                    JUDGE SIPPEL: Mr. Kittner, I want to be sure that  
15     you two are on synch. Do you want to check this, Mr.  
16     Kittner, before --

17                    MR. STEVENS-KITTNER: No, that's quite all right.

18                    JUDGE SIPPEL: All right. Well, I can see the  
19     witness has page 9 in front of him.

20                    MR. STEVENS-KITTNER: Okay.

21                    JUDGE SIPPEL: What's the question?

22                    This is page 9 now of Bureau's Exhibit No. 1.

23                    MS. ELLINGTON: Yes.

24                    BY MS. ELLINGTON:

25           Q     Is that your signature, Mr. Lored?

1 A Yes, ma'am.

2 Q And do you see above that the sentence that starts  
3 with, "I certify"?

4 A Um-hmm.

5 Q Would you read that to yourself, please?

6 A "I certify that the assignee's statements in this  
7 application are true, complete and correct to the best of my  
8 knowledge and belief and are made in good faith."

9 Q So even though you had a question about, or you at  
10 least thought question 13(a) was confusing, you signed the  
11 certification that the information was true and complete and  
12 correct to the best of your knowledge without seeking  
13 clarification of that?

14 A Yes, it was -- yes, I did. I believe it was  
15 correct in my understanding and in my belief.

16 MS. ELLINGTON: I have nothing further, Your  
17 Honor.

18 JUDGE SIPPEL: Mr. Kittner, do you want to proceed  
19 on redirect?

20 REDIRECT EXAMINATION

21 BY MR. STEVENS-KITTNER:

22 Q Mr. Loreda, prior to this set of circumstances,  
23 have you ever been denied any benefits or any opportunities  
24 because you were not a U.S. citizen until recently?

25 A No.

1 MS. ELLINGTON: Objection, Your Honor. It goes  
2 beyond the scope of cross-examination.

3 JUDGE SIPPEL: Relevancy here?

4 MR. STEVENS-KITTNER: They have been questioning  
5 his mindset, whether he was confused. He has testified that  
6 he's lived here for 22 years, and that he did not  
7 distinguish adequately between legal residency and U.S.  
8 citizenship. I am trying to support his -- and to show the  
9 Court why he might have misunderstood that the --

10 JUDGE SIPPEL: Well, all right, it's okay. Be  
11 careful now. I don't want you inadvertently to get into  
12 coaching the witness. But let me ask you -- specify, for a  
13 show of relevancy, what time period are you asking him this  
14 question about?

15 MR. STEVENS-KITTNER: Ever since he lived in the  
16 United States.

17 JUDGE SIPPEL: Well, that's too broad. I mean,  
18 he's been here for 22 years. Let's get it closer to the  
19 event.

20 BY MR. STEVENS-KITTNER:

21 Q Well, Mario, in your recollection, you know, in  
22 the last 10 years, have you ever been denied an employment  
23 opportunity or any other sort of benefit because you were a  
24 legal resident but not a U.S. citizen?

25 A No, I never had. I never had been denied any

1 benefit or employment.

2 JUDGE SIPPEL: I am going to overrule the  
3 objection with your clarification there. Thank you. Go  
4 ahead.

5 BY MR. STEVENS-KITTNER:

6 Q You've held -- you've held jobs in the United  
7 States?

8 A Yes, sir.

9 Q And you've paid taxes?

10 A Yes, sir.

11 Q You have held a driver's license?

12 A Yes.

13 Q Did you have any reason that you can think of why  
14 you might have intentionally, deliberately, knowingly lied  
15 to the Commission?

16 A I never had any, any intention of doing that to  
17 the Commission or anybody.

18 Q You have adult children, don't you?

19 A Yes, I do.

20 Q And they are U.S. citizens?

21 A Yes, all of them.

22 Q Did it occur to you that one of your children  
23 could have applied for this radio station?

24 MS. ELLINGTON: Objection, Your Honor. It's a  
25 leading question.

1 JUDGE SIPPEL: Again, relevancy on this.

2 MR. STEVENS-KITTNER: Well, this goes again to his  
3 state of mind, whether he had any intention to misrepresent  
4 anything. He does have what, a 27-year-old son --

5 THE WITNESS: Yes.

6 MR. STEVENS-KITTNER: -- who is a U.S. citizen.  
7 If he --

8 JUDGE SIPPEL: It's too remote. I'm going to  
9 sustain the objection.

10 MR. STEVENS-KITTNER: Okay.

11 JUDGE SIPPEL: It's just too remote.

12 BY MR. STEVENS-KITTNER:

13 Q What is your native language?

14 A Spanish.

15 Q When did you receive your high school equivalency  
16 degree?

17 A I think it's maybe two and a half years or three  
18 years, somewhere in there. I can't recall that date  
19 exactly.

20 Q And how many years did it take you to achieve your  
21 high school equivalency?

22 A Well, it took me -- it took -- it didn't take very  
23 long to do it, but I didn't get it for a long time. I mean,  
24 I went to the seventh grade, and maybe like 25 - 20 years  
25 later I went and applied for that.

1 JUDGE SIPPEL: Seventh grade in -- where was that  
2 grade school?

3 THE WITNESS: That was back in McAllen, Texas.

4 JUDGE SIPPEL: Thank you.

5 THE WITNESS: Um-hmm.

6 BY MR. STEVENS-KITTNER:

7 Q And you went to seventh grade. You stopped going  
8 to school, and then what, 20 years later you decided to  
9 pursue your high school equivalency?

10 A Yes.

11 Q That's -- I don't want to put words in your mouth.

12 A No, that's more or less what I -- the time that I  
13 went to apply for my GED certificate.

14 Q And can you give us an estimate for how long it  
15 took you when you went back to apply until you got it?

16 A Well, back in my small town there they gave us a  
17 week, in a week's time they gave us the exams. They gave us  
18 some information, and then we went to get the exams, and it  
19 was during the same week.

20 Q So you studied for the exam before?

21 A Um-hmm. Yes. I had some books at home. They  
22 gave us some books, and I had it there, I had them at the  
23 house and I went and looked them over, and then I was going  
24 to say maybe about three months or so. I think we had them  
25 for about three months, I recall.

1           And then I went to apply for the tests, and then  
2   we -- then I -- I received my certificate.

3           JUDGE SIPPEL: What year was that that you got  
4   your certificate? What year was that?

5           THE WITNESS: I don't recall, sir, at the moment,  
6   but I think it's been -- it's from two and a half years or  
7   so, two years ago. I don't recall at the moment the exact  
8   date.

9           JUDGE SIPPEL: No, I don't mean the exact date;  
10   just the year. 1992? 1993? 1994? 1995? Do you know what  
11   year it was?

12          THE WITNESS: I don't recall -- I don't recall it  
13   right now.

14          JUDGE SIPPEL: But you received the GED. What  
15   school gave you the GED? What was the name of the school?

16          THE WITNESS: It is an adult learning center, the  
17   Serr County -- no, I'm sorry. It's the Culver Adult  
18   Learning Center. That's what they call themselves.

19          JUDGE SIPPEL: Where is that?

20          THE WITNESS: That's in Liberal, Kansas.

21          JUDGE SIPPEL: And is this a certificate that you  
22   got from the -- does it come from the State of Kansas?

23          THE WITNESS: Yes. Uh-huh.

24          JUDGE SIPPEL: But this Culver Adult Learning  
25   Center, was that a government, a state or a county



1 government unit, or was that a private --

2 THE WITNESS: No, it's -- I think it belongs to  
3 the state.

4 JUDGE SIPPEL: Did you have to pay a fee?

5 THE WITNESS: Yes.

6 JUDGE SIPPEL: Okay. And do you have to -- in  
7 connection with applying for your GED, do you have to  
8 identify -- state your citizenship? Is that on the form?

9 THE WITNESS: I don't recall.

10 JUDGE SIPPEL: How about when you pay your taxes,  
11 do you have to check a box on your tax returns, or do you  
12 know?

13 THE WITNESS: I don't think so, but I don't recall  
14 for sure.

15 JUDGE SIPPEL: I'm not trying to trick you on  
16 that, but I --

17 THE WITNESS: I'm thinking, sir. At the moment  
18 I'm not sure.

19 JUDGE SIPPEL: What is it that comes to your mind,  
20 aside from this FCC application, that you have had to check  
21 off or identify your citizenship? Anything come to mind?

22 THE WITNESS: Would you state the question again?

23 JUDGE SIPPEL: All right. Have you had occasion  
24 say within since 1993 to check off a box on any form where  
25 you had to identify your citizenship, other than this FCC

1 application?

2 I'll give you an example. Like a passport  
3 application, that would be an obvious one, but anything of  
4 an official nature where you have had to identify your  
5 citizenship other than what we are talking about today.

6 THE WITNESS: Okay. After -- after the time that  
7 I realized that I was -- that I had made a wrong -- that it  
8 was wrong, my answer was wrong, then the rest of the  
9 applications that I have had to do, I'm very aware of that  
10 now.

11 JUDGE SIPPEL: No, I understand what you did  
12 after, I understand your second application procedure or  
13 your form procedure. I understand that you corrected the  
14 situation. We know that.

15 I am asking in the context, and I am not saying  
16 that's not important, but what I am trying to find out from  
17 you is if there is some other form that you had filled out  
18 in or around this period of time, I'm saying around 1993,  
19 '92, '91, where you have had to check off a box or somehow  
20 or other identify your citizenship.

21 Is there anything else that you have ever done?

22 THE WITNESS: I don't recall, sir.

23 JUDGE SIPPEL: Okay. Do you know, Mr. Kittner, if  
24 a tax form calls for a citizenship, tax returns?

25 MR. STEVENS-KITTNER: I mean, I don't recall ever

1     seeing that. I don't recall myself ever having to  
2     affirmatively answer that I am a U.S. citizen when I filled  
3     out my tax returns.

4             JUDGE SIPPEL: I'm not sure either, but --

5             MR. STEVENS-KITTNER: I think the form assumes  
6     that you're --

7             JUDGE SIPPEL: Well, I don't want to get into  
8     that.

9             MR. STEVENS-KITTNER: Yes.

10            JUDGE SIPPEL: What I am trying to find out is, is  
11     there something within a relevant time period that can  
12     corroborate -- well, it really isn't corroboration. I would  
13     just like to see some kind of a sampling of what this man  
14     has done with respect to answering questions like this in  
15     other forms. And I mean, obviously I am -- I am kind of  
16     groping here for what an example would be. The thing that  
17     immediately comes to my mind would be applying for a  
18     passport. I'm not suggesting that he's applied for a  
19     passport. But is there something within the past 10 years  
20     that he has done other than this evidence that we are  
21     considering today where he has been put to the test, or he  
22     has been asked the question what's your citizenship, because  
23     I would like to know if we have that evidence because I  
24     would like to see it.

25            I would like to see a copy of his GED before we

1 close the record down on this.

2 BY MR. STEVENS-KITTNER:

3 Q Do you think that if you searched your records you  
4 could find anything where you had to answer a question on a  
5 form?

6 A I might have.

7 JUDGE SIPPEL: All right. Well, I will leave the  
8 record open a reasonable period of time. And, again, I am  
9 instructing you to look for that. I'm looking for examples  
10 of how you have treated questions like this in other  
11 situations. When I say "questions like this," I mean  
12 questions about your citizenship. All right?

13 I'm sorry, I interrupted your redirect.

14 BY MR. STEVENS-KITTNER:

15 Q You have had a --

16 MR. ZAUNER: Excuse me, Your Honor. Could I just  
17 ask one clarifying point on what you just asked the witness  
18 to provide, and that is, he is now a U.S. citizen and has  
19 been a U.S. citizen now for --

20 MR. STEVENS-KITTNER: Since December of '95.

21 MR. ZAUNER: Since December '95.

22 Are you looking for how he treated U.S.  
23 citizenship prior to the time he became a U.S. citizen?

24 JUDGE SIPPEL: Yes, I am talking about, you know,  
25 in and around this period of 1993 or earlier. All right?

1 But certainly prior to the time that you became a citizen,  
2 but let's look at the period 1993 or, you know, five years  
3 earlier, 10 years earlier, whatever you might have.

4 THE WITNESS: Okay.

5 BY MR. STEVENS-KITTNER:

6 Q Have you had a social security number?

7 A Yes, sir.

8 Q Have you ever been employed by the state or  
9 federal government?

10 A No.

11 MR. STEVENS-KITTNER: Okay, I have no further  
12 questions.

13 JUDGE SIPPEL: No further questions of this  
14 witness.

15 All right, hold on. Before you get off the stand  
16 let me ask, first of all, is this Instruction C that's  
17 referred to, Instruction C, I believe, is referred to in the  
18 hearing designation order. And I am asking really Bureau  
19 counsel, is Instruction C in the record?

20 MR. ZAUNER: No, Your Honor.

21 JUDGE SIPPEL: It's not in the record?

22 MR. ZAUNER: No, I believe the witness's testimony  
23 is that he did not receive a copy of the instructions. He  
24 doesn't recall receiving a copy of the instructions.

25 JUDGE SIPPEL: Right. I know that, I understand.

1 I remember what he testified to. But the hearing  
2 designation order makes a specific reference to Exhibit C in  
3 the context of that question also. And I do, I just feel  
4 that it should be part of the record.

5 MR. STEVENS-KITTNER: Your Honor, in Footnote 2 of  
6 the order, the designation order, quotes Instruction C. So  
7 we could put it in the record, but it already is quoted.

8 JUDGE SIPPEL: Well, I would like to verify. I  
9 want to see it. Sometimes things are quoted, but there is a  
10 sentence above it that I might like to see too. But it's  
11 not going to burden the record too much. I am just going to  
12 ask to leave the record open to get this done. If you just  
13 come in, and -- just have it marked as Bureau Exhibit No. 3,  
14 and submit it by way of motion, and we'll get it in the  
15 record.

16 And then I am going to hold the record open for  
17 this other information that I have asked you to look for,  
18 which are, you know, I'm not going to repeat it. I think  
19 your counsel understands exactly what I am interested in.

20 Did anybody -- when you completed this form, did  
21 anybody else -- when I say "this form," I am talking about  
22 Exhibit No. 1, the Bureau's Exhibit No. 1 -- did anybody  
23 else assist you at any stage of your completing the form?

24 THE WITNESS: No.

25 JUDGE SIPPEL: No? Did you talk to anybody else

1     when you prepared this form in connection, you know, with  
2     the questions in the form?

3             THE WITNESS:  No, sir.  I don't recall.

4             JUDGE SIPPEL:  You don't recall?

5             When you -- this is back in 1993, and this is a  
6     pretty important, and I take it this is a pretty important  
7     event in your life.

8             THE WITNESS:  Yes, sir.

9             JUDGE SIPPEL:  I mean, you want to take on the  
10    responsibility of a radio station, right?

11            THE WITNESS:  Yes, sir.

12            JUDGE SIPPEL:  Did you talk to people about how  
13    you were going to do that and how you're going to go about  
14    doing that?

15            THE WITNESS:  Yes, sir, I talked to some people  
16    but I never -- this never came to mind, or in any  
17    conversation of any kind until later, like I stated, later,  
18    it was later when I recall a conversation with another man.

19            JUDGE SIPPEL:  Who is that?

20            THE WITNESS:  A friend of mine that was -- they  
21    were trying to purchase a radio station in Texas, and he  
22    just come up, you know, they said that you had to be a  
23    citizen.  And then that -- then I investigated a little  
24    deeper on that, and that's what triggered me to call my  
25    counsel, I mean, my lawyer, and said I made a mistake.  I

1 think there is a mistake that I did, and I wasn't really  
2 aware of what it was. And that's when I started to correct  
3 the mistake, and that just what happened.

4 JUDGE SIPPEL: Was this friend of yours, this  
5 friend that you talked to, was he a United States citizen?

6 THE WITNESS: Yes, he was. Yes, he was.

7 JUDGE SIPPEL: And was he completing the form?

8 THE WITNESS: No, sir, no, no. He -- they were  
9 talking about -- I guess he had talked to somebody else. I  
10 don't know exactly what, but we were talking about, you  
11 know, there was a possibility there was a radio station that  
12 he was going to look into -- since he's a minister like me,  
13 and we were sharing each other, you know, and stuff, and  
14 that's what happened.

15 JUDGE SIPPEL: But it wasn't until -- take a look  
16 at Exhibit -- Bureau Exhibit 2, FCC Form 307. That should  
17 be in front of you, too.

18 MR. STEVENS-KITTNER: It's the first time that we  
19 wrote to the Commission and told the Commission that --

20 THE WITNESS: Okay.

21 JUDGE SIPPEL: Let me see what you have there on  
22 the original. Let me see what you are looking at. I just  
23 want to be sure that we are looking at the same -- yes, you  
24 have got it. That's right.

25 What you are looking at now is a copy of FCC Form



1 307, and that was -- that's your signature, correct?

2 THE WITNESS: Yes.

3 JUDGE SIPPEL: All right. And that's dated May 3,  
4 1995. All right, and then there is attached to that letter,  
5 I'm sorry, to that form an Exhibit 2. Are you with me on  
6 that?

7 THE WITNESS: No.

8 JUDGE SIPPEL: You don't have that? Keep going  
9 through the form.

10 THE WITNESS: Okay.

11 JUDGE SIPPEL: Have you got Exhibit 2?

12 THE WITNESS: Yes.

13 JUDGE SIPPEL: Are you familiar with that Exhibit  
14 2? I see you are reading it now. I mean, are you familiar  
15 with it?

16 THE WITNESS: Yes.

17 JUDGE SIPPEL: Were you familiar with it on May 3,  
18 1995, when the form was submitted?

19 THE WITNESS: Yeah, this is on May 3, '95, yes.

20 JUDGE SIPPEL: So you knew that -- just state in  
21 your own words what is it that Exhibit 2, what were you  
22 trying to tell the Commission on Exhibit 2?

23 THE WITNESS: What I was trying to tell the  
24 Commission is that I wasn't -- that I had made a mistake,  
25 that I did not intended to -- to make, or mislead the

1 Commission in any other way, any wrong way.

2 JUDGE SIPPEL: Okay. So you -- you were being  
3 very specific about what had happened and you want to  
4 correct it, and now I am leading up to -- what I am leading  
5 up to is a question.

6 Now, how many people did you talk to about this  
7 situation before this document was prepared? You identified  
8 a friend?

9 THE WITNESS: Yes, uh-huh.

10 JUDGE SIPPEL: Was there somebody else?

11 THE WITNESS: No. I talked to him -- when I was  
12 talking to him in the conversation, that's when I realized  
13 there was a mistake on my part. So then I called my  
14 attorney, Mr. Kittner, and told him what had happened; that  
15 I wasn't aware, that I was -- I had made a mistake on  
16 application.

17 JUDGE SIPPEL: Well, this seems to be -- this form  
18 FCC 307 where you are asking for -- maybe Mr. Kittner can  
19 straighten this out for me, but the application for  
20 extension of broadcast construction permit. I take that's  
21 what this is, this is asking for an extension?

22 MR. STEVENS-KITTNER: That's correct.

23 JUDGE SIPPEL: And Exhibit 1 makes reference to a  
24 tower question, and then the second exhibit makes reference  
25 to the matter at hand today.

1 Am I paraphrasing that accurately?

2 MR. STEVENS-KITTNER: That's correct.

3 JUDGE SIPPEL: All right. Well, my question, the  
4 question that I have is how, how close to May 3, 1995, did  
5 you come to the realization that you had misinformed the  
6 Commission about your citizenship?

7 In other words, was this just information that you  
8 just held on to and waited until there was an opportune time  
9 to come in with an amendment?

10 THE WITNESS: No, sir. At the time that I called  
11 Mr. Kittner, that's the time I found out. And as soon as I  
12 found out, I called him, stating that there was a mistake,  
13 that I had made a mistake.

14 No, I didn't wait around for a long time. At the  
15 time that I called him is when I had just found out.

16 JUDGE SIPPEL: All right. And let me ask Mr.  
17 Kittner this question. I mean, I know you're not under  
18 oath, sir, but I am asking you these questions because --

19 MR. STEVENS-KITTNER: I understand.

20 JUDGE SIPPEL: You know that.

21 What prompted the 307 to be coming in with the two  
22 events? I mean, was this just a serendipitous event?

23 MR. STEVENS-KITTNER: Yes.

24 JUDGE SIPPEL: They just both happened to have  
25 happened at the same time?

1 MR. STEVENS-KITTNER: Yes. Yes.

2 JUDGE SIPPEL: All right, that answers the  
3 question.

4 MR. STEVENS-KITTNER: It just happened to be an  
5 opportunity because he found out about it, he told me, I  
6 don't know, two weeks before, perhaps two weeks, I'm not  
7 sure. And then there was a question on the 307, are all the  
8 statements in your prior, I forget what the exact question  
9 is, but there was an opportunity to say "no, the statements  
10 aren't true and correct in the prior form," and explain,  
11 explain the mistake. So it was serendipitous.

12 Do you know what question I'm referring to?

13 JUDGE SIPPEL: Yes, I do.

14 MR. STEVENS-KITTNER: Okay.

15 JUDGE SIPPEL: Yes, I do. Yes, I do.

16 All right. I am just about finished here, Mr.  
17 Loreda, I just want to be sure. Let me clarify something  
18 that you answered, and that is, will you identify again the  
19 location of the school that you had -- at which you had  
20 completed seventh grade? I didn't quite hear you clearly.  
21 My notes aren't all that clear.

22 THE WITNESS: It was at Travis Junior High in  
23 McAllen, Texas.

24 JUDGE SIPPEL: Where in Texas?

25 THE WITNESS: McAllen, M --

1 JUDGE SIPPEL: McAllen?

2 THE WITNESS: McAllen, uh-huh. All right. You  
3 can give the -- well, why don't you give the -- can you give  
4 the spelling right now because the reporter is going to need  
5 it?

6 THE WITNESS: I think it's M-C-A-L-L-E-N.

7 JUDGE SIPPEL: McAllen, Texas.

8 THE WITNESS: Um-hmm.

9 JUDGE SIPPEL: What part of Texas is that?

10 THE WITNESS: That's south, way down south.

11 JUDGE SIPPEL: Southwest or southeast?

12 THE WITNESS: No, just straight south.

13 JUDGE SIPPEL: Just straight south?

14 THE WITNESS: Yes.

15 JUDGE SIPPEL: Okay.

16 THE WITNESS: Around at the tip of Texas.

17 JUDGE SIPPEL: Near Brownsville?

18 THE WITNESS: Yes.

19 JUDGE SIPPEL: I got you. All right, I hear you.

20 Now, you said something -- you just clarified  
21 something and it was with respect to my question. You said  
22 junior high, is that what you were saying?

23 THE WITNESS: Um-hmm.

24 JUDGE SIPPEL: Well, I heard your first round of  
25 testimony you were talking about -- okay, yes, you were.

1       Okay, I see it. Yes, seventh grade, junior high.

2               THE WITNESS: Yes.

3               JUDGE SIPPEL: All right. I have no further  
4       questions.

5               Is there anything along these lines that -- now, I  
6       have opened up a little different area here. Did you want  
7       to ask questions on that, Ms. Ellington?

8               MS. ELLINGTON: I have a couple of questions on  
9       something that came up in the redirect.

10              JUDGE SIPPEL: All right, you may proceed.

11                      RECROSS EXAMINATION

12              BY MS. ELLINGTON:

13              Q       Mr. Loredo, how long have you lived in the United  
14       States?

15              A       Since I was about nine years old.

16              Q       And how old are you now?

17              A       Forty-six.

18              Q       Can you take -- would you take a look at Exhibit  
19       1, your Exhibit 1, your statement, paragraph 1?

20              A       Um-hmm.

21              Q       You say that you have been in the United States  
22       since you were nine years old.

23              A       Yes.

24              Q       Can you take a look at Exhibit 2, your Exhibit 2,  
25       page 5?

1 MR. STEVENS-KITTNER: There is no page 5 to  
2 Exhibit 2.

3 MS. ELLINGTON: I'm sorry. I'm sorry.  
4 Mass Media Bureau Exhibit 2, page 5.

5 JUDGE SIPPEL: That's the Exhibit 2 that's Form  
6 307?

7 MS. ELLINGTON: Yes.

8 JUDGE SIPPEL: That's what we were looking at  
9 before?

10 MS. ELLINGTON: Exactly.

11 JUDGE SIPPEL: All right. Let's go off the record  
12 for just a minute.

13 (Discussion off the record.)

14 BY MS. ELLINGTON:

15 Q You have it?

16 A Yes.

17 Q On the second paragraph, the first sentence?

18 A Uh-huh.

19 Q You say you have resided in the United States for  
20 22 years?

21 A Yes.

22 Q The other exhibit says approximately 37 years you  
23 have lived in the United States. Can you clarify that for  
24 us?

25 A Yes, it says, "Mr. Loreda has resided in the

1 United States for 22 years, and he is a legal resident."

2 When I was at nine years old, my mother is a U.S.  
3 citizen, and she brought us with her, and she was going --  
4 applying for our legal status at that time, and it took a  
5 long time before we -- to receive our legal status, so this  
6 is where we -- this is where we became -- our labor status  
7 is 22 years.

8 In other words, I have had my legal resident  
9 status for 22, officially with the card, the green card, but  
10 before that I was here under, you know, like my mother was  
11 going to -- we were going to be citizens from the beginning,  
12 but I don't understand, I don't recall everything that  
13 happened there, but we were able to get a legal status in 22  
14 years, so that's why.

15 MS. ELLINGTON: I have nothing further, Your  
16 Honor.

17 JUDGE SIPPEL: Anymore redirect?

18 MR. STEVENS-KITTNER: No, Your Honor.

19 JUDGE SIPPEL: You are excused as a witness.

20 THE WITNESS: Thank you, sir.

21 (Witness excused.)

22 JUDGE SIPPEL: We are going to have to -- before  
23 we finish here today, we have to get to the question of -- I  
24 am going to set some dates, and I think the best thing to do  
25 is talk about this off the record. We will come back on and



1 get this squared away on the record.

2 Off the record.

3 (Discussion off the record.)

4 JUDGE SIPPEL: In an off-the-record discussion the  
5 following dates have been adopted. This is based on the  
6 transcript being due on the 25th of November. And that is  
7 any motions to correct the transcript will come in by  
8 December 4th. By December 9th, on December 9th, the record  
9 will be considered closed. So by December 9th I want to  
10 receive from Mr. Loreda copies, and if it's coming from a  
11 government agency, they should be certified copies, of any  
12 documentation that he has at or about or earlier than 1993,  
13 which, to which he has been responsive to questions with  
14 respect to citizenship.

15 The second item for Mr. Loreda to produce, and I  
16 say that, I am requiring those documents to be reproduced,  
17 if any, if they exist, if they are reasonably able to be  
18 found.

19 With respect to his GED certificate, again, a copy  
20 of that, and again I want a certified copy of that. It must  
21 come in by the 9th of December, and that should be  
22 obtainable without too much difficulty.

23 With respect to the Bureau, the Bureau is also  
24 required by the 9th of December to file a motion to receive  
25 into evidence Instruction C to the Form 314 application.